

13301 PL-I



DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

Reimbursement

FILE: B-197049 *Reimbursement of* DATE: April 01, 1980

MATTER OF: James W. Austin, Jr. *2* POV Travel for Personal Convenience

DIGEST: Reimbursement of temporary duty travel by POV was properly limited to constructive travel cost by commercial air, including per diem, since there was no abuse of discretion in determining that POV travel was for convenience of the employee. Employee did not obtain medical certificate prescribed by para. C2001-4 of the JTR to warrant a determination that employee's aversion to flying made POV travel advantageous to the Government. Excess POV travel time required charge to annual leave and did not justify overtime pay.

Mr. James W. Austin, Jr., a civilian employee of the U.S. Army Corps of Engineers, requests reconsideration of his claim for additional travel reimbursement based upon his use of a privately owned vehicle (POV), overtime compensation for hours spent traveling, and recredit of annual leave charged because of excessive travel time. Our Claims Division disallowed the claim by settlement certificate Z-2815308, November 9, 1979.

The primary issue is whether, without a medical certificate proving that flying was inimical to his health, he is entitled to additional allowances because POV travel was advantageous to the Government.

Mr. Austin's employing agency determined that five temporary duty trips he took during fiscal year 1978 should be by POV travel for the convenience of the employee rather than the advantage of the Government, cost and other factors considered. Consequently, reimbursement for POV was limited to the constructive cost of commercial air travel and per diem as prescribed by paragraph C2152 of the Joint Travel Regulations (JTR).

Travel officials have broad discretion to determine that commercial air travel is the most advantageous to the Government and that POV travel is for the convenience of the employee. 56 Comp. Gen. 865 (1977). There is no evidence that such determination in Mr. Austin's case was an abuse of discretion and that reimbursement should be other than for the constructive cost of commercial air travel, including per diem.

~~009578~~ 111958

B-197049

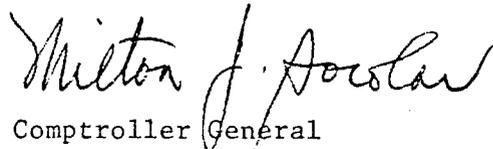
Mr. Austin contends that a medical certificate showing that air travel would be adverse to his health is unnecessary to prove that his aversion to flying made POV travel advantageous to the Government. However, paragraph 2001-4h of the JTR states:

"If a traveler has a bona fide fear or aversion of flying, to the extent that serious psychological or physical reaction would result, this may be the basis for the issuance of a medical certificate precluding travel by aircraft. Appropriate medical authority at a military installation will be responsible for determining the propriety of issuance of such a medical certificate."

There is nothing in the terms of this provision implying that it is limited to overseas travel as Mr. Austin suggests. He has not produced a medical certificate to show that flying would have been a substantial hardship. Consequently, travel officials could not find that POV would have been advantageous to the Government as provided in paragraph C2001-1c of the JTR. See also Thomas H. Hamara, B-183310, December 3, 1976.

Concerning charging Mr. Austin for annual leave, we have held that excess travel time resulting from use of a POV for personal convenience should be charged to annual leave. See 56 Comp. Gen. 865 (1977). Further, no overtime pay is authorized for the excess travel time, since it does not fall within any of the circumstances for which travel overtime is authorized under 5 U.S.C. § 5542(b)(2). See B-163654, January 21, 1974.

Accordingly, our Claims Division's disallowance is sustained.



For the Comptroller General
of the United States